

REMARKS

Claims 1, 3-5 and 8-11 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdrawal all rejections and allow the currently pending claims.

Obviousness-Type Double Patenting

The Examiner has rejected claims 1, 3-5 and 8-11 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-19 of Sugimoto et al., U.S. Patent No. 6,838,510 (Sugimoto '510) in view of Baba (JP 01-40566 A) and Malm et al. (USP 6,017,989). Applicants respectfully traverse this rejection.

The Present Invention and its Advantages

The present invention relates to a resin composition for automotive parts and is defined by claim 1. In claim 1, Applicants have defined a particular aspect of the present resin, the elastomeric polymer (b). Applicants have also defined the amount of aluminum flake pigment in the present resin. This elastomeric polymer and the amount of aluminum flake pigment have been defined in claim 1 to provide a specific resin composition for automotive parts. The specifically defined resin composition for automotive parts of the present invention shows excellent mechanical strength, physical properties and flowability, and enables the production of molded products showing a good metallic appearance. Also, the combination of the specific polymer components and the aluminum flake pigment, which surface is coated with a specific polymer, show an excellent and uniform compatibility. Therefore, the resin composition exhibits high mechanical strength and flowability of the propylene polymer composition, and displays a metallic appearance and brightness on the surface of molded articles. Accordingly, the surface appearance of molded articles produced from the present composition is excellent.

Applicants further emphasize that in the combination of specific polymer components and the specific aluminum flake pigment, agglomeration of the aluminum flakes is remarkably reduced as shown in Example 1 and Comparative Example 1 in the specification.

Distinctions Between the Present Claims and the Cited References

The prior art is completely silent concerning the presently claimed combination of specific polymer components and specific aluminum flake pigment. The present claims require a combination of elements including a very specific propylene polymer composition (note the specific definitions for each component of this composition) and also require aluminum flake pigments having a specific coating and being present in a specific amount. The prior art simply does not suggest this subject matter. Without such a suggestion that the very specific aspects of the present claims be adopted, there can be no case of obviousness. For this reason alone, the present obviousness-type double patenting rejection is improper and should be withdrawn.

Additionally, Applicants point out that previously argued distinction must still be addressed by the Examiner. For instance, although Sugimoto '510 discusses a resin composition for automotive parts, there is no indication in Sugimoto '510 that the presently claimed elastomeric polymer (b) should be selected. Also, Sugimoto '510 fails to suggest or disclose the addition of the presently claimed aluminum flake pigment. The Examiner has attempted to cure this deficiency by referring to Baba and Malm. However, even if these teachings are combined, the present invention cannot be achieved or expected. For instance, there is still no motivation to select the present elastomeric polymer (b).

Also, although Baba discusses an aluminum flake coated with a copolymer and the use thereof in a metallic coating on plastics, a pigment for metallic ink or adhesives, and a filler for compounding in synthetic resins, Baba fails to suggest or disclose that an aluminum flake would provide the advantageous properties achieved by the present invention. The other secondary reference of Malm discloses an exterior automotive component of an elastomeric modified polyolefin material having a pleasing appearance. The disclosed polymer material includes a

polyolefin component and a thermoplastic elastomer or rubber. Malm suggests at column 7 that a variety of special effect flake pigments may be employed. The stated flake pigments include aluminum flake pigment among a number of other types of pigments. Malm discloses that the aluminum flake may be surface treated (see column 7, lines 40-42). However, Malm is silent regarding the coating of such aluminum flake with a polymer composition as claimed.

Applicants submit that there exists no motivation to select a specific aluminum flake pigment (having a coating of a polymer containing as constituent units acrylic acid, an acrylic acid ester, epoxylated polybutadiene and divinylbenzene in the specific amounts presently claimed) from the secondary references of Baba and Malm and then modify the primary disclosure of Sugimoto '510. There is simply no motivation to make such a modification. Therefore, the present obviousness-type double patenting rejection is improper.

Additionally, even if there hypothetically would exist motivation to modify Sugimoto '510 as suggested by the Examiner, a point not conceded by Applicants, the present invention achieves unexpectedly superior results. Thus, any hypothetical case of obviousness is moot. For instance, the Examiner is urged to review the results illustrated in the present specification. By utilizing the presently claimed combination of specific polymer components and specific aluminum flake pigment, the agglomeration of the aluminum flake is remarkably reduced. This is evident from a review of Example 1 and Comparative Example 1 of the present specification. The reduced agglomeration of the aluminum flake is unexpected over the prior art. Also, by way of the present amendments, these results are fully commensurate with the subject matter claimed. Therefore, the obviousness-type double patenting rejection is improper and should be withdrawn.

In view of the above, Applicants respectfully submit that the present claims define allowable subject matter. Therefore, the Examiner is requested to withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact the undersigned at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.

Application No. 10/645,608
Amendment dated November 29, 2007
Reply to Office Action of May 29, 2007

Docket No.: 2895-0138P

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 29, 2007

Respectfully submitted,

f. By  #42874

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant